



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

**OFFICE OF THE**  
**INSPECTOR GENERAL**

September 13, 2017

**MEMORANDUM TO:** Victor M. McCree  
Executive Director for Operations

**FROM:** Dr. Brett M. Baker \RA\  
Assistant Inspector General for Audits

**SUBJECT:** EVALUATION OF NRC'S MANAGEMENT OF  
ELECTRONIC RECORDS (OIG-17-A-24)

The Office of the Inspector General (OIG) conducted this evaluation to assess NRC's compliance with applicable legal standards for preserving Federal records, specifically electronic communications, from January 20, 2017 through July 6, 2017. OIG found that NRC has policies and processes in place to comply with legal standards for Federal electronic records requirements, but must continue to be proactive to ensure effective electronic records management as new technologies emerge. OIG makes no recommendations.

Attachments: As stated

cc: R. Lewis, OEDO  
H. Rasouli, OEDO  
J. Jolicoeur, OEDO  
J. Bowen, OEDO  
EDO\_ACS\_Distribution

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## BACKGROUND

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### Request from Congress

On June 8, 2017, the Senate Committee on Homeland Security and Governmental Affairs requested OIG to review the Nuclear Regulatory Commission's (NRC) processes and compliance with applicable legal standards for preserving certain electronic records as federal records, and cooperation with Congressional document requests, since January 20, 2017. The Committee requested that NRC OIG provide responses to six specific questions. The original request and the OIG's response are included as Attachments 1 and 2, respectively, to this memorandum. OIG evaluated the electronic records management in conjunction with the Congressional letter response.

### Responsible Offices

The Chief Information Officer is responsible for agency compliance with the Federal Records Act and other Federal laws and regulations relating to information resources management. The Office of the Chief Information Officer (OCIO) Information Management Services branch is responsible for records and information management for the agency. The branch develops policy and handles operations.

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## OBJECTIVE

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The evaluation objective was to assess NRC's compliance with applicable legal standards for preserving Federal records, specifically electronic communications for official agency business, since January 20, 2017.

The final section of this report discusses the scope and methodology used in the evaluation.

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## EVALUATION RESULTS

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NRC has policies and processes in place to comply with legal standards for Federal electronic records requirements, but must continue to be proactive to ensure effective electronic records management as new technologies emerge.

### **NRC Policies and Processes Comply with Federal Electronics Records Requirements**

NRC has policies and processes in place to comply with legal standards for Federal electronic records requirements and to meet the agency's own goals of providing information access and improving the accuracy and completeness of NRC records. According to the published processes, all NRC officials, staff, and contractors have responsibilities for records management. The agency provides guidance and tools to support implementation of the policies and processes by staff. However, NRC must continue to be proactive to ensure effective records management as new technologies for records creation emerge.

## ***What Is Required***

### **Federal Requirements and NRC Policies**

Federal statute and National Archives and Records Administration (NARA) regulations define NRC's recordkeeping responsibilities and requirements for electronic records.

#### **Federal Requirements**

Federal records contain information required to protect an agency's financial and legal rights, as well as the rights of those affected by the Government's actions. Federal records are statutorily defined in the *Presidential and Federal Records Act Amendments of 2014* as

all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.

The definition explicitly includes electronic records as Federal records, stating “the term ‘recorded information’ includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form.”

NARA regulations in Title 36 Code of Federal Regulations (CFR) Chapter 12 direct agency compliance with the statute. Specifically, at 36 CFR Part 1236, the regulations require that agencies

- Incorporate management of electronic records into records management activities.
- Integrate records management and preservation considerations into the design, development, enhancement, and implementation of electronic information systems.
- Manage electronic records appropriately.

Requirements also apply to records created or received in nonofficial and personal electronic messaging accounts.

### NRC Requirements

Management Directive (MD) 3.53, *NRC Records and Document Management Program*, sets out NRC policy and assigns responsibilities for records management. It is the policy of NRC that all official records made or received by NRC in the course of its official business comply with the regulations governing Federal records management issued by NARA. All internally and externally generated records and documents are

processed, maintained, distributed, made available to the public, and preserved or destroyed, as appropriate.

The Agencywide Document Access and Management System (ADAMS) is the official electronic recordkeeping system for NRC's records. NRC has a *Comprehensive Records Disposition Schedule* that incorporates NARA's General Records Schedules<sup>1</sup>. NRC's schedule is reviewed and approved by NARA.

Record preservation requirements apply to all NRC officials, staff, and contractors, who must recognize that NRC's records are Government property and must preserve official records that they create, receive, or access.

Corresponding to Federal requirements, NRC's records management policies are media neutral. If the information in a communication constitutes a record, it must be preserved no matter the medium in which it was created or exists.

## ***What We Found***

### **Information and Records Management Addresses Federal Requirements**

NRC's information and records management addresses the intent of Federal requirements.

NRC's records management provides effective information access by improving the completeness and accuracy of NRC records and information. Implementation of information and records management strategies allows timely and accurate capture, use, storage, and disposition of information, enabling NRC staff and stakeholders to access the information they need.

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<sup>1</sup> General Records Schedules are issued by the Archivist of the United States to provide disposition authorization for records common to several or all agencies of the Federal Government, such as records relating to civilian personnel, fiscal accounting, procurement, and other common functions.

## Implementation Strategy

### *Information and Records Management Guidelines*

Implementation is directed by information and records management guidelines that address specific topics to support staff in creating, using, and preserving information. For example, guidelines cover topics such as instant messaging, personal email usage, shared drives, removable media, and updating information inventories, as well as general records management guidelines.

### *Individuals Identify Records*

Any NRC official, employee, or contractor can create a record in carrying out agency business. Therefore, individuals creating or using electronic information also identify and select records for appropriate management.

## Support for implementation

NRC has deployed several mechanisms to support staff in carrying out information and records management responsibilities.

### *Training and Coordination*

NRC staff receive required records management training when hired and triennially thereafter. Those with specialized responsibilities in records management receive additional specific training.

Liaisons in agency program offices coordinate between OCIO and NRC staff and perform other records management duties. They may provide assistance to staff in accomplishing the objectives of the information and records management policy.

NRC updates Office Information Inventories<sup>2</sup> biennially to provide detailed instructions to support staff in consistently identifying and preserving materials that may be records.

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<sup>2</sup> An Office Information Inventory is a listing of Record Series that each office creates or receives, as well as the electronic information systems that offices use in their daily conduct of agency business. The information inventories for each office are reviewed every 2 years to ensure that they are up to date and any new documents or systems have been added since the last update.

### *Guidance*

In addition to training, guidance is available to staff concerning electronic records management. For example, the Rules of Behavior for accessing NRC information resources and systems include a consent to monitoring and acknowledgement that the systems and information they contain are Government property.

As new platforms have emerged, the agency has published guidance for preserving records generated in

- Email – Provides staff means to determine that an email is a record. In addition, staff must forward a Federal record created or received on a personal email account to a Federal email within 20 days.
- Social media – Assists staff in determining whether documentary materials created, received, or accessed when using social media may need to be maintained as federal records in accordance with the *Federal Records Act* and MD 3.53.
- Instant messaging – If an instant message is utilized in making a business decision or otherwise documents agency business, the instant message must be treated as a record, by copying and placing it in ADAMS.
- Text messages – Staff can review provided questions to determine if a text message is a record, and then manage it appropriately according to MD 3.53.
- Approved personal devices – Users shall ensure that any official agency records created on the device are handled according to NRC records retention schedules.

ADAMS has been updated to accept new file formats from these different document applications.

Finally, NRC is revising the published *NRC Comprehensive Records Disposition Schedule*. The updated schedule will follow agency business lines and accommodate the greater proportion of electronic records now

produced compared to paper records. The revisions will incorporate NARA approved changes since the records schedule was last published in 2005.

### *Tools*

The agency has made tools available for electronic records capture and management:

- The Capstone program is for senior officials most likely to generate records in their emails and enables users to place emails directly into a folder for review and appropriate processing.
- Users of Government furnished phones or an approved personal device can preserve any records produced using non-NRC applications, such as personal email, on the phones.
- The agency is migrating to Microsoft Office365. The Outlook application includes tools for both agency records managers and individual users to manage email records, in response to Federal mandates.
- NRC is incorporating records retention features as it plans adoption of additional cloud applications.

## **Conclusion**

### **NRC Must Continue to Be Proactive**

The 2014 amendments to the *Federal Records Act* provided authority to address new demands and a proliferation of communications platforms in electronic records management. NRC has responded both to emerging technologies and to the requirements to preserve electronic records by establishing and revising policies and supporting implementation by all staff and senior leaders. The program relies on informed and motivated staff to achieve its goals. The agency must not only ensure that NRC information is secure as new technologies become available for records creation. NRC must also continue to be proactive to ensure that all



agency staff use the available tools to comply with Federal mandates to manage the electronic records that document agency business.

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## AGENCY COMMENTS

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After reviewing a discussion draft, agency management stated they had no comments on this report.

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## SCOPE AND METHODOLOGY

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The objective was to evaluate NRC's compliance with applicable legal standards for preserving Federal records. Based on the Congressional letter of inquiry, the scope of the evaluation focused on preservation of electronic communications for official business.

The evaluation fieldwork was conducted at NRC headquarters in Rockville, Maryland, from June 15, 2017 to July 6, 2017.

OIG reviewed relevant Federal and NRC requirements, guidance, and policies. Some documents reviewed include

- P.L. 113-187 113th Congress HR 1233 *Presidential and Federal Records Act Amendments*.
- Office of Management and Budget, Memorandum M12-18, *Managing Government Records Directive*.
- Title 36, Code of Federal Regulations, Chapter 1236, *Electronic Records Management*.
- MD 3.53, *NRC Records and Document Management Program*.
- NRC Yellow Announcements.
- NRC Information and Records Management Guidelines.
- NUREG-0910, *NRC Comprehensive Records Disposition Schedule*.

OIG conducted interviews of NRC personnel to gain an understanding of the roles and responsibilities and procedures and controls for management of electronic records.

We conducted this evaluation in accordance with the Council of Inspectors General for Integrity and Efficiency Quality Standards for Inspections and Evaluations.

The evaluation was conducted by Beth Serepca, Team Leader; Amy Hardin, Audit Manager; Ebaide Esoimeme, Auditor; and Janelle Wiggs, Auditor.

## CONGRESSIONAL REQUEST

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United States Senate

COMMITTEE ON  
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
 WASHINGTON, DC 20510-6250

June 8, 2017

The Honorable Hubert Bell  
 Inspector General  
 U.S. Nuclear Regulatory Commission  
 Mail Stop O5-E13  
 11555 Rockville Pike  
 Rockville, MD 20852

Dear Inspector General Bell:

We write today to request that the Office of the Inspector General (OIG) conduct a review of the Nuclear Regulatory Commission's processes and compliance with applicable legal standards for preserving certain electronic records as federal records, and cooperation with Congressional document requests.

### Preservation of Electronic Records

In 2014, Congress amended the Presidential Records Act and the Federal Records Act (FRA) regarding the preservation, storage, and management of federal records. The National Archives and Records Administration (NARA) also provided federal agencies with specific guidance on how to comply with federal law regarding the preservation of electronic messages in Bulletin 2015-02, "Guidance on Managing Electronic Records".<sup>1</sup> Pursuant to 44 U.S.C. § 2911, agencies have additional requirements to manage records created or received in nonofficial and personal electronic messaging accounts.<sup>2</sup> NARA plays an essential role in preserving our history as the nation's federal record-keeper, and the Archivist of the United States, as head of NARA, has final authority on how agencies must preserve electronic records as federal records.<sup>3</sup> NARA recently surveyed the FRA compliance of federal agencies, and noted that many agencies "reported having difficulty identifying electronic messages that are records."<sup>4</sup>

<sup>1</sup> U.S. National Archives and Records Administration, Electronic Messages White Paper (Aug. 2016) (online at <https://www.archives.gov/files/records-mgmt/resources/emessageswp.pdf>).

<sup>2</sup> 44 U.S.C. § 2911.

<sup>3</sup> Presidential and Federal Records Act Amendments of 2014, Pub. L. No. 113-187, 128 Stat. 2203.

<sup>4</sup> U.S. National Archives and Records Administration, Electronic Messages White Paper (Aug. 2016) (online at <https://www.archives.gov/files/records-mgmt/resources/emessageswp.pdf>).

Although NARA has confirmed that the capture of electronic messages creates unique challenges throughout government, various public reports raise questions about whether Trump Administration officials are intentionally skirting compliance with federal record keeping requirements. For example, *The Independent* recently reported that White House staffers are using a “confidential messenger” app called “Confide” that deletes messages once they have been opened, leaving no record of them or their content thereafter.<sup>5</sup> Confide messages cannot be printed or archived and the company indicates that “Even we at Confide cannot decrypt or see any messages.”<sup>6</sup> The app allows users to transmit text messages, photos, documents, and voice messages, and provides two forms of screenshot protection, which prevents recipients of an image from taking a screenshot of it. Use by federal employees of private messenger applications, such as Confide, to conduct official business flies in the face of federal recordkeeping laws and the principles of government transparency.

In response to these reports, on March 7, 2017, we wrote to the Archivist of the United States seeking information regarding any guidance NARA has provided to Trump Administration officials, as well as the Trump Administration’s compliance with records preservation laws.<sup>7</sup> Archivist David Ferriero provided a detailed response to our letter and included copies of Presidential Records Act (PRA) guidance provided by NARA to the Office of the White House Counsel in a February 2, 2017 briefing on PRA compliance.<sup>8</sup> According to the Archivist’s response letter, NARA was not in a position to answer our questions regarding whether officials at federal agencies used any smartphone apps, such as Confide, for work-related communications, or whether any government official at federal agencies have been instructed to avoid using email as a method of work-related communication.

Following the transmittal of our letter to Archivist Ferriero, NARA issued a memo on March 15, 2017, “to all Senior Agency Officials for Records Management that addresses, among other things, ‘Electronic Messaging and Encrypted Messages.’”<sup>9</sup> Archivist Ferriero’s memo reiterates that “agencies are responsible for properly managing electronic messages that are Federal records whether they are SMS texts, encrypted communications, direct messages on social media platforms, email or created on any other type of electronic messaging system or

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<sup>5</sup> *Donald Trump’s White House Staff ‘Communicate Through App Which Automatically Deletes Messages’*, *The Independent* (Feb. 15, 2017) (online at <http://www.independent.co.uk/news/world/americas/us-politics/donald-trump-white-house-staff-confide-communicate-app-auto-delete-messages-leaks-russia-us-a7581046.html>).

<sup>6</sup> Frequently Asked Questions, Confide (online <https://getconfide.com/faq>) (accessed on Feb. 17, 2017).

<sup>7</sup> Letter from Sen. Claire McCaskill, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs and Sen. Tom Carper to David Ferriero, Archivist of the United States (Mar. 7, 2017).

<sup>8</sup> Letter from David Ferriero, Archivist of the United States to Sen. Claire McCaskill, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs and Sen. Tom Carper (Mar. 30, 2017).

<sup>9</sup> *Id.*

account.”<sup>10</sup> The Archivist’s memo also addressed the recent “news stories referring to the possible use by government employees of non-official, commercial communication applications such as WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent.”<sup>11</sup> Archivist Ferriero advised federal agencies that:

Any use of such communication applications requires coordination with your legal counsel and records management officials to ensure compliance with the Federal Records Act and related regulations. Agencies are responsible for setting policies that govern the use of these applications prior to their deployment and must take steps to manage and preserve records created through their use for as long as required.<sup>12</sup>

### **Cooperation with Congressional Requests**

Reports that Trump Administration officials have used practices that undermine transparency of public records are also unfortunately consistent with this Administration’s problematic pattern of delaying or ignoring requests from minority Members of Congress. For example, on March 15, 2017, Senate Democrats released a list of more than 100 oversight request letters that Trump Administration officials had not answered.<sup>13</sup> Among those unanswered requests was a letter we sent to Donald McGahn, Counsel to the President, regarding White House officials’ use of private email accounts.<sup>14</sup> The list also included outstanding requests to a range of Trump Administration officials at various federal agencies, including Attorney General Sessions, Secretary of State Tillerson, Environmental Protection Agency Administrator Pruitt, Secretary of Defense Mattis, and Secretary of Commerce Ross, among others.

While it might be reasonable to attribute some delay in responding to Congressional requests to the presidential transition process, recent reports suggest that the Trump Administration’s lack of transparency and responsiveness may be by design. For example, a January 20, 2017, memo from the Acting Secretary of Health and Human Services (HHS) to agency staff prohibit the dissemination of any “correspondence to public officials (e.g., Members of Congress, Governors) or containing interpretation or statements of Department regulations or

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<sup>10</sup> Memorandum from David Ferriero, Archivist of the United States to Senior Agency Officials for Records Management re: Records Management Priorities for 2017 (March 15, 2017).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Sen. Sheldon Whitehouse, *Senate Democrats Release List of Over 100 Oversight Letters President Trump Refuses to Answer* (Mar. 15, 2017) (online at <https://www.whitehouse.senate.gov/news/release/senate-democrats-release-list-of-over-100-oversight-letters-president-trump-refuses-to-answer>).

<sup>14</sup> *Id.*

policy, unless specifically authorized by me [the Acting Secretary]" or a designee.<sup>15</sup> Most recently, Senator Carper noted, regarding GSA's lack of responsiveness to congressional requests for information on the Trump Organization's lease with the General Services Administration (GSA) to redevelop and manage the Old Post Office building, that, effective January 20, 2017, the Trump Administration appeared to have changed GSA's "long-standing practice of providing certain documents requested by minority members of congress, including the ranking member of the committee of jurisdiction with direct oversight."<sup>16</sup> During a recent bipartisan briefing with GSA, "agency personnel stated that its new practice only assures that [requested] documents will be provided to the committee's chairman."<sup>17</sup> Additionally, *Politico* recently reported that during meetings this spring with senior officials for various federal agencies, a Deputy Counsel and Special Assistant to the President, "told agencies not to cooperate" with congressional oversight requests from Democrats.<sup>18</sup> These newly-implemented policies are deeply troubling and may also run afoul of several laws that prohibit interference with federal employees' ability to communicate with Congress, including, but not limited to the Whistleblower Protection Enhancement Act, Section 713 of the Consolidated Appropriations Act of 2016, as well as 5 U.S.C. § 7211.

In order to better understand the Commission's compliance with federal laws governing records retention and compliance with Congressional requests and federal recordkeeping requirements for electronic messages, we ask that you conduct a review and provide a written response not later than July 6, 2017, which addresses the following questions:

1. Since January 20, 2017, has any Commission official directed or advised any agency employee to delay or withhold a response to a Congressional request for information? If any such directive is in writing, please provide a copy.
2. Since January 20, 2017, has any Commission official directed or advised any agency employee or Congressional staff member that the agency will only provide requested documents or information to a Committee chair? If any such directive is in writing, please provide a copy.
3. Since January 20, 2017, has the Commission issued any guidance related to the use of smartphone applications that support encryption or the ability to automatically delete messages after they are read or sent for work related communications?

<sup>15</sup> Memorandum from Acting Secretary, U.S. Department of Health and Human Services to HHS OPDIVHeads and StaffDiv Heads (Jan. 20, 2017).

<sup>16</sup> Senator Tom Carper, *Carper Statement on Trump Hotel Lease* (Mar. 31, 2017) (online at <https://www.carper.senate.gov/public/index.cfm/pressreleases?ID=77B68657-FD23-4902-9A64-AE1314F64EAF>).

<sup>17</sup> *Id.*

<sup>18</sup> *White House Orders Agencies to Ignore Democrats' Oversight Requests*, *Politico* (June 2, 2017) (online <http://www.politico.com/story/2017/06/02/federal-agencies-oversight-requests-democrats-white-house-239034>).

4. Since January 20, 2017, has any Commission official used, for work-related communications, a smartphone app, including, but not limited to, WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent?
5. Since January 20, 2017, has any Commission official failed to abide by federal law and/or NARA or Departmental guidance regarding preservation of electronic records related to official business, including, but not limited to, text messages, chats, instant messages, social media messages, or emails created on non-government accounts?
6. Has the OIG previously provided recommendations to the Commission regarding its management of the preservation of electronic records and compliance with Congressional document requests? If so, please provide a list of any OIG recommendations that remain outstanding.

If you or members of your staff have any questions about this request, please feel free to ask your staff to contact Donald Sherman with Ranking Member McCaskill's office at 202-224-2627 or Roberto Berrios with Senator Carper's office at 202-224-2441. Please send any official correspondence relating to this request to [Amanda\\_Trosen@hsgac.senate.gov](mailto:Amanda_Trosen@hsgac.senate.gov). Thank you very much for your attention to this matter.

Sincerely,



Claire McCaskill  
Ranking Member



Tom Carper  
United States Senator

cc: The Honorable Ron Johnson  
Chairman



Attachment 2

**REPLY OF INSPECTOR GENERAL**



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

July 6, 2017

OFFICE OF THE  
INSPECTOR GENERAL

The Honorable Claire McCaskill  
Ranking Member  
Senate Committee on Homeland Security and  
Governmental Affairs  
Hart Senate Office Building  
SH-503, Washington, DC 20510-2505

The Honorable Thomas R. Carper  
Member  
Senate Committee on Homeland Security and  
Governmental Affairs  
Hart Senate Office Building  
SH-513, Washington, DC 20510-0803

Dear Senators McCaskill and Carper:

I am writing in response to your letter dated June 8, 2017, requesting that my office conduct a review of the Nuclear Regulatory Commission's (NRC) processes and compliance with applicable legal standards for preserving certain electronic records as Federal records, and cooperation with congressional document requests. Office of the Inspector General (OIG) audit staff conducted interviews with the NRC Chairman and Commissioners, their legal staff, and other NRC officials and reviewed Commission procedures and other NRC guidance to compile the following answers to the six questions specifically posed in your June 8, 2017, letter.

- 1. Since January 20, 2017, has any Commission official directed or advised any agency employee to delay or withhold a response to a congressional request for information? If any such directive is in writing, please provide a copy.**

OIG conducted interviews with the NRC Chairman and Commissioners, their legal staff, the Executive Director for Operations, the Chief Information Officer, as well as Office of the General Counsel staff to address this question. We have no indication that any NRC Commission member or staff member has advised any employee to delay or withhold a response to a Congressional request for information. The Commission has requirements for how to handle congressional correspondence. This guidance includes a requirement that such correspondence be answered within 21 business days. Congressional correspondence is entered into a tracking system to ensure compliance with the request.



2. **Since January 20, 2017, has any Commission official directed or advised any agency employee or congressional staff member that the agency will only provide requested documents or information to a Committee chair? If any such directive is in writing, please provide a copy.**

Nothing in our interviews or review of Commission procedures indicated that any Commission official has directed or advised any agency employee to provide requested documents or information only to a Committee chair, or that any Commission official has conveyed to a congressional staff member that NRC would provide a response only to a Committee chair.

3. **Since January 20, 2017, has the Commission issued any guidance related to the use of smartphone applications that support encryption or the ability to automatically delete messages after they are read or sent for work related communications?**

At this time no guidance has been issued; however, recently, the Office of the Chief Information Officer drafted a policy regarding smart phones, which specifies the roles and responsibilities of all NRC staff and contractors using either an NRC-provided device or an NRC-approved application on their personal device. This draft policy specifies that using these devices constitutes consent to the monitoring of its use and its contents.

NRC has a Management Directive regarding records and document management. NRC Management Directive 3.53, "Records and Document Management Program," describes the agency's records handling requirements. It states,

*It is the policy of the U. S. Nuclear Regulatory Commission that all official records made or received by NRC in the course of its official business comply with the regulations governing Federal records management issued by the National Archives and Records Administration (NARA) and the General Services Administration (GSA). All internally and externally generated records and documents are processed, maintained, distributed, made available to the public, and preserved or destroyed, as appropriate.*

4. **Since January 20, 2017, has any Commission official used, for work-related communications, a smartphone app, including, but not limited to, WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent?**

Based on OIG interviews of the Chairman and Commissioners, their legal staff, the Executive Director for Operations, the Chief Information Officer as well as staff in the Office of the General Counsel, we have no indication that any Commission official has used, for work-related communications, a smartphone app, including, but not limited to, WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent.

5. **Since January 20, 2017, has any Commission official failed to abide by Federal law and/or NARA or Departmental guidance regarding preservation of electronic records related to official business, including, but not limited to, text messages,**

**chats, instant messages, social media messages, or emails created on non-Government accounts?**

Based on interviews with NRC's Records Management Officer, the Chief Information Officer, Office of the General Counsel staff, and the Chairman and Commissioners, we have no indication that any Commission official failed to abide by Federal law and/or NARA or NRC guidance regarding preservation of electronic records related to official business.

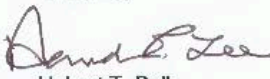
The Office of the Chief Information Officer has issued guidance requiring staff and contractors to forward all Federal records created or received on a personal email account to a Federal email account within 20 days of the record's creation or receipt. In addition, the office has issued guidance to inform all staff and contractors of their recordkeeping responsibilities when using Skype for Business. Further, the Office of the Chief Information Officer has drafted guidance for managing text message records and expects to issue this guidance within the next few weeks.

**6. Has the OIG previously provided recommendations to the Commission regarding its management of the preservation of electronic records and compliance with congressional document requests? If so, please provide a list of any OIG recommendations that remain outstanding.**

At this time, OIG has no outstanding recommendations regarding management of the preservation of electronic records and compliance with Congressional document requests.

I appreciate your interest in the proper management of electronic messages and in ensuring transparency of public records. If you have additional questions, please contact me at (301) 415-5930.

Sincerely,

  
Hubert T. Bell  
Inspector General

cc: The Honorable Ron Johnson

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## TO REPORT FRAUD, WASTE, OR ABUSE

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### Please Contact:

Email: [Online Form](#)

Telephone: 1-800-233-3497

TDD 7-1-1, or 1-800-201-7165

Address: U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Hotline Program  
Mail Stop O5-E13  
11555 Rockville Pike  
Rockville, MD 20852

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## COMMENTS AND SUGGESTIONS

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If you wish to provide comments on this report, please email OIG using this [link](#).

In addition, if you have suggestions for future OIG audits, please provide them using this [link](#).